

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

POWER INTEGRATIONS, INC.,

No. C-09-5235 MMC

Plaintiff,

v.

FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., et al.

**ORDER DEFERRING RULING ON
POWER INTEGRATIONS'S MOTION TO
FILE UNDER SEAL PORTIONS OF ITS
OPPOSITION TO MOTION TO EXCLUDE
ARTHUR W. KELLEY AND CHARLES L.
COLBY, AND SUPPORTING EXHIBITS**

Defendants.

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Before the Court is an administrative motion to file under seal, filed September 14, 2015, by plaintiff Power Integrations, Inc. ("Power Integrations") pursuant to Civil Local Rule 79-5, by which Power Integrations seeks permission to seal the entirety of Exhibits 1 and 2 to the Declaration of Michael R. Headley ("Headley Declaration") filed in support of "Power Integrations' Opposition to Fairchild's Motion to Exclude the Opinions and Testimony of Arthur W. Kelley and Charles L. Colby," as well as portions of Power Integrations's opposition that make reference to said exhibits.

All of the material sought to be sealed has been designated confidential by both parties, and, in accordance with the requirements of the Local Rules of this district, Power Integrations and defendants Fairchild Semiconductor International, Inc., Fairchild Semiconductor Corporation, and Fairchild (Taiwan) Corporation (collectively, "Fairchild") have submitted respective declarations in support of Power Integrations's administrative

1 motion. See Civil L. R. 79-5(d) (providing motion to file document under seal must be
 2 “accompanied by . . . [a] declaration establishing that the document sought to be filed under
 3 seal, or portions thereof, are sealable”); Civil L.R. 79-5(d)-(e) (providing, where party seeks
 4 to file under seal material designated confidential by another party, designating party must
 5 file, within four days, “a declaration . . . establishing that all of the designated information is
 6 sealable”). Having read and considered the administrative motion and the parties’
 7 respective declarations, the Court rules as follows.

8 According to the parties’ declarations, Exhibits 1 and 2 contain “internal technical
 9 and competitive” information (see Headley Decl. ¶ 3; Ondrick Decl. ¶¶ 4,5). Although the
 10 Court agrees that Exhibits 1 and 2 contain such sealable material, each exhibit also
 11 appears to contain a substantial amount of non-sealable material.¹ “A sealing order may
 12 issue only upon a request that establishes that the document, or portions thereof, is
 13 privileged or protectable as a trade secret or otherwise entitled to protection under the law.”
 14 See Civil L.R. 79-5(a). The request “must be narrowly tailored to seek sealing only of
 15 sealable material.” See id.

16 In lieu of denial, the Court hereby DEFERS ruling on the administrative motion,
 17 pending each parties’ filing, by November 3, 2015, a supplemental response that identifies,
 18 with specificity, the portions of the exhibits and opposition that contain such party’s
 19 confidential information. Pending the Court’s ruling on the parties’ supplemental
 20 responses, said exhibits and the redacted opposition will remain under seal.

21 **IT IS SO ORDERED.**

22 Dated: October 20, 2015



MAXINE M. CHESNEY
United States District Judge

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 26 ¹See, e.g., Headley Decl. Ex. 1 (Kelley Deposition) at 22-29 (discussing, *inter alia*,
 expert’s general approach to determining technical value of patented features, expert’s
 understanding of various terms, and expert’s work experience); Ex. 2 (Kelley Report) at 69-
 27 73 (describing ‘908 patent). The foregoing citations serve as representative examples;
 28 such examples do not constitute the entirety of the redacted material that the Court has
 found is not sealable.